

1253 Harllees Bridge Rd
Dillon S.C. 29536
Ph/Fax: 843 841 1606

September 27, 2007

Ms. Daphne B. Duke
Information Resource Consultant I
Public Service Commission of S.C.
PO Drawer 11649
Colombia S.C 29211
Fax: 1 803 896 5246

Dear Ms. Duke:

Subject: Request for Advance Response to Proposed Application for
Change of Electric Service Provider

Ref: Progress Energy Petition No. 2004-219-E: Petition to
Terminate Service

Thank you for your letter dated September 25, 2007 which was received to day.
You have raised several points and made several errors that require comment as follows.

1. A Pro Se Party: Your comments are noted with respect to appearing Pro Se. Since 2004, I have been processing the case as a Respondent Pro Se in the above-cited Docket No.2004-219-E. I am quite familiar with Reg. 103-804 (I) defining a "Party," and Reg. 103-804 (K) which defines an "Applicant," as well as the S.C.R.C.P Rules and Statutes governing Pro Se parties.

If and when it is decided to do so, I intend to file the proposed subject Application as a Respondent Pro Se in the existing Docket No. No. 2004-219-E : Petition to Terminate Service filed by Progress Energy in 2004.

I am familiar with the S.C. Court Rules and applicable statutes as you comment in your letter.

2. That brings me to the next point concerning the **mistakes** in your letter. Your letter states: "This office has received your application which has been assigned the above-referenced docket number. This docket will be processed as soon as possible." There are several errors related to your comments about creating a new (redundant) docket and processing such a docket.

1. I have not yet filed an "Application."
2. I filed an advance notification of an "**intention**" to file an Application only, for the purpose of requesting certain information. See,

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Para. 1 of my letter dated September 21, 2007; specifically to ease any administrative burden such an action might create.

3. The said letter was filed pursuant to existing Docket No. No. 2004-219-E Petition to Terminate Service filed by Progress Energy in 2004.
 4. Therefore it is incorrect, and redundant to create a new **"Docket No. 2007-352-E. Application of Beatrice Weaver for Change of Electric Service Provider."**
 5. As noted, I have not and may not at this time, file a formal Application. It was premature for your office to create an unnecessary docket.
 6. Accordingly, it follows that in addition to mistakenly creating a redundant new docket, your office has no cause as yet, at this time to initiate any "process as soon as possible"
 7. My September 21, 2007 ^{had} nothing to do with filing a formal ^{or} Application, nor a request to create a new Docket, nor process such an intended proposed Application.
3. In view of the foregoing discussion, you should immediately:
1. Cancel the new docket you have created concerning this matter. It will be handled under the existing docket as noted.
 2. Cease any processing of the new docket forthwith.
4. Request for Information:
- Pursuant to the six questions in my letter, (p.2 at 3), I repeat the request herewith.
5. Please state formally for the record in Docket No. Docket No. 2004-219-E, if your office will not, or cannot, respond as requested.
- Note: The request for information IS NOT a request for legal advice, but an administrative matter submitted in the interests of efficiency. I am quite capable of handling the legal aspects as discussed in your letter.
6. Please inform me in writing if your creation of a new docket in this matter was ~~it~~ done on your own initiative or on orders from a superior officer. Be specific.
7. Request for Commission Written Policy Statement and Directory

Before receiving your letter, I was not aware of the existence of your Office as Information Resource Consultant I at the Commission. I am not sure exactly what your

duties and responsibilities actually are. Therefore please be so kind and send me the following, information pursuant to the S.C. Administrative Procedures Act (see, **Exhibit A** hereto) and the Freedom of Information Act (APA) (See, **S.C. Code Ann. Section 30-4-15; Bellamy vs. Brown, 408 S.E.2d 219,221 (1991); Fowler vs. Beasley, 472 S.E.2d 630,633 (1996)**):

1. Commission Directory and Organization, etc.

Pursuant to **S.C. Code Ann. Section 1-23-140 (a) (1)** please make available for my inspection the Commission's "description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests." Include "Job Descriptions."

2. Commission Policy Statement.

Pursuant to **S.C. Code Ann. Section 1-23-140 (a) (2)** please make available for my inspection the Commission's "written policy statement setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the Agency."

3. The answers to the questions requested in Item 4 hereinabove.

4. Note: It was in this tenor, that I submitted my September 21, 2007 letter of enquiry, as opposed to seeking any legal advice from the Commission. I do not need any of the latter.

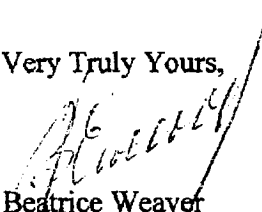
8. In summary and conclusion, please note:

1. The September 21, 2007 ^{ENQUIRY} was filed pursuant to existing Docket No. 2004-219-E filed by Progress Energy in 2004 to terminate service.
2. The "new" Docket No. is not required, nor accepted.
3. Processing the said "new" docket is redundant at this time and was not requested.
4. I request the earliest response from Mr. Terreni to the questions posed in my September 21, 2007 letter.
4. Please forward the rules of procedure for a possible filing of the proposed Application.
5. Explain in writing if you cannot or will not respond as requested to the questions as discussed above.

6. Explain in writing if you cannot or will not make available the information requested herein above.
7. Copy of the commission's latest available Line Item Annual Budget including the source and use of funds.

Thank you.

Very Truly Yours,


Beatrice Weaver
Respondent Pro Se

Attach: Exhibits A and B

Copy to:

Charles L.A. Terreni, Esq.
Chief Clerk/Administrator

Ms. Jocelyn G. Boyd
Deputy Clerk, Docketing Dept.
S.C. Public Service Commission
PO Drawer 11649, Colombia S.C. 29211
Ph: 803 896 5100; Fax: 803 896 5199

1253 Harllees Bridge Rd
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September 21, 2007

Mr. Charles L.A. Terreni
Chief Clerk/Administrator
S.C. Public Service Commission
P.O. Drawer 11649 Colombia S.C. 29211
Ph: 1803 896 5113; Fx: 1 803 896 5231

Dear Mr. Terreni:

Subject: Request for Advance Response to Proposed Application for
Change of Electric Service Provider
Ref: Progress Energy Petition No. 2004-219-E
Petition to Terminate Service

Please be advised that the undersigned intends to file an **Application for Change of Electric Service Provider**. It is intended to formally file the subject document with the Commission in due course, following receipt of the requested response to the questions posed herein below concerning the procedures for handling the proposed changeover. Legal Authority for said Application is cited in the Application.

The reason for the intended change of provider is that the Applicant does not wish to deal with Progress Energy, for the reasons cited in the subject document and its Petition to Terminate Service to the undersigned which was filed on spurious grounds and with deliberate deceit, and condonation of the Commission. Upon receipt of the replies requested herein, Applicant intends to file the follow up second part hereof under separate cover.

The Application calls for a Formal Hearing on the Application pursuant to S.C. Code. Reg. 103- 821, et.seq, and specifically Reg. 103-834 (A) & (B).

Given the nature of the Application it was decided in good faith to seek an informal advance indication from the Commission as to its position for approval of the intended Application and certain procedures.

One of the objectives is for the undersigned to decide on the need for a Formal or Informal Hearing on the Application in the interests of expediency, administrative efficiency, and convenience for all parties involved.

EXHIBIT "B"

physical debilitation. Applicant wishes to settle this matter before undergoing the pending surgery in October 2007 which will handicap her for many weeks thereafter.

Accordingly, your Administration and the Commission are urgently requested to respond **promptly** to this request for your responses, since time is of the essence.

Finally, please distribute copies of this communication to the parties of interest that you consider it necessary to inform and provide me with the names of such recipients.

Thank you.

Yours truly,

Beatrice Weaver,
Respondent Pro Se

C. J. Bell

WITH US CERTIFICATE OF MAILING
CONFIRMATION COPY FOR LEGAL REFERENCE

APA S.C.

Appendix A

SECTION 1-23-140. Duties of state agencies; necessity for public inspection.

(a) In addition to other requirements imposed by law, each agency shall:

(1) Adopt and make available for public inspection a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(2) Adopt and make available for public inspection a written policy statement setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency;

(3) Make available for public inspection all final orders, decisions and opinions except as otherwise provided by law.

(b) No agency rule, order or decision is valid or effective against any person or party, nor may it be invoked by the agency for any purpose until it has been made available for public inspection as required by this article and Article 2. This provision is not applicable in favor of any person or party who has actual knowledge thereof.

SECTION 1-23-150. Appeals contesting authority of agency to promulgate regulation.

(a) Any person may petition an agency in writing for a declaratory ruling as to the applicability of any regulation of the agency or the authority of the agency to promulgate a particular regulation. The agency shall, within thirty days after receipt of such petition, issue a declaratory ruling thereon.

(b) After compliance with the provisions of paragraph (a) of this section, any person affected by the provisions of any regulation of an agency may petition the Circuit Court for a declaratory judgment and/or injunctive relief if it is alleged that the regulation or its threatened application interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff or that the regulation exceeds the regulatory authority of the agency. The agency shall be made a party to the action.

SECTION 1-23-160. Prior filed regulations unaffected.

All regulations of state agencies promulgated according to law and filed with the Secretary of State as of January 1, 1977, shall have the full force and effect of law. All regulations of state agencies promulgated under this article and effective as of June 30, 1994 shall have the full force and effect of law.

EXHIBIT "A"